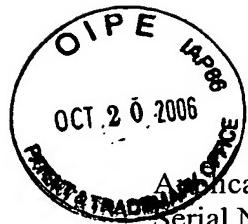


10-23-06

Attorney's Docket No.: 17109-012001

#1001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rene Gantier et al.
Serial No. : 10/658,834
Filed : September 8, 2003
Cust. No. : 20985
Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY,
THE CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES

Art Unit : 1631
Examiner : Russell Scott Negin
Conf. No. : 7681

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith is an Election and Preliminary Amendment in Response to the to the Office Actions, mailed February 10, 2006 and April 20, 2006, a Replacement Drawing Sheet, an Annotated Marked-Up Drawing Sheet, a check (\$1080) for the requisite fee for a five-month extension of time, and a return postcard. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Extension fee for a five-month extension of time:

- By a **small entity**.....\$1080.00
- The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

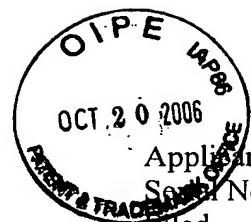
Attorney Docket No. 17109-012001/922

Address all correspondence to:

Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796
email: seidman@fr.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number EV 740120725 US
Date of Deposit October 20, 2006
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rene Gantier et al.
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Mail Stop Amendment

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

ELECTION AND PRELIMINARY AMENDMENT

Dear Sir:

Responsive to the supplemental Requirement for Restriction, mailed April 20, 2006, restarting the clock for response to the Requirement for Restriction, mailed February 10, 2006, Applicant elects, with traverse, the subject matter of Group I, directed to a modified cytokine set forth in original claims 1-24, 40-48, 139-144, 306-331. Further, Applicant elects, with traverse, a polypeptide containing a sequence of amino acids set forth in SEQ ID NO:87, which sets forth a modified IFN α -2b polypeptide having a single amino acid replacement in SEQ ID NO:1 corresponding to replacement of E by Q at position 41. Claims 1, 5-9, 16-19, 21-23, 40, 43-44, 46-74, 139-144, 279, 306-308, 315-316 and 332-343 read on the elected molecule. Applicant also elects, with traverse, the species of a single mutant corresponding to replacement of E by Q at position 41 in an interferon alpha gene family of molecules. Claims 1, 5-9, 16-19, 21-23, 40, 43-44, 46-74, 139-144, 279, 306-308, 315-316 and 332-343 as pending read on the elected molecule. In addition, please amend the application as follows:

Amendments to the specification begin on page 2 of this paper.

Amendments to the Figures begin on page 6 of this paper.

Amendments to the claims are reflected in the listing of the claims, which begins on page 7 of this paper.

Remarks begin on page 23 of this paper.

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 Stephanie Seidman